

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**VIRGINIA L. JOHNSON, aka
VIRGINIA SAMMYE JOHNSON**

Registered Nurse License No. 541329

Respondent

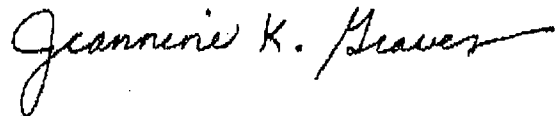
Case No. 2011-759

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reproval is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **July 22, 2011**.

IT IS SO ORDERED **June 22, 2011**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GEOFFREY WARD
Deputy Attorney General
4 State Bar No. 246437
300 So. Spring Street, Suite 1702
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2011-759

11 **VIRGINIA L. JOHNSON aka VIRGINIA**
12 **SAMMYE JOHNSON**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

13 6260 Telegraph Road, #1902
14 Ventura, CA 93003

[Bus. & Prof. Code § 495]

15 Registered Nurse License No. 541329

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Geoffrey Ward,
23 Deputy Attorney General.

24 2. Respondent Virginia L. Johnson, aka Virginia Sammye Johnson (Respondent) is
25 represented in this proceeding by attorney Benjamin J. Fenton, whose address is: Benjamin J.
26 Fenton, Fenton Nelson, LLP, 11835 W. Olympic Blvd, 9th Floor, Los Angeles, CA 90064.

27 3. On or about March 4, 1998, the Board of Registered Nursing issued Registered Nurse
28 License No. 541329 to Respondent. The Registered Nurse License was in full force and effect at

1 all times relevant to the charges brought in Accusation No. 2011-759 and will expire on July 31,
2 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2011-759 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on March 9,
7 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2011-759 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 2011-759. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order for Public Reproval.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 2011-759.

26 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
27 agrees to be bound by the Board's Disciplinary Order below.

1 CIRCUMSTANCES IN MITIGATION

2 10. Respondent Virginia L. Johnson, aka Virginia Sammye Johnson has never been the
3 subject of any disciplinary action. She is admitting responsibility at an early stage in the
4 proceedings.

5 CONTINGENCY

6 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
7 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
8 Registered Nursing may communicate directly with the Board regarding this stipulation and
9 settlement, without notice to or participation by Respondent or her counsel. By signing the
10 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
11 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
12 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
13 Order for Public Repeval shall be of no force or effect, except for this paragraph, it shall be
14 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
15 further action by having considered this matter.

16 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
17 and Disciplinary Order for Public Repeval, including facsimile signatures thereto, shall have the
18 same force and effect as the originals.

19 13. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by
20 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
21 of their agreement. It supersedes any and all prior or contemporaneous agreements,
22 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
23 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,
24 supplemented, or otherwise changed except by a writing executed by an authorized representative
25 of each of the parties.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:


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ACCEPTANCE

DATED:

Virginia L. Johnson
VIRGINIA L. JOHNSON

DATED:


Benjamin J. Fenton
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 4/26/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



GEOFFREY WARD
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2011-759

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GEOFFREY WARD
Deputy Attorney General
4 State Bar No. 246437
300 So. Spring Street, Suite 1702
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-759*

11 **VIRGINIA L. JOHNSON AKA VIRGINIA**
12 **SAMMYE JOHNSON**

A C C U S A T I O N

13 6260 Telegraph Road - #1902
14 Ventura, CA 93003

15 Registered Nurse License No. 541329

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about March 4, 1998, the Board issued Registered Nurse License Number
23 541329 to Virginia L. Johnson aka Virginia Sammye Johnson ("Respondent"). The Registered
24 Nurse License has been active at all times relevant herein and expires on July 31, 2011, unless
25 renewed.

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1 COST RECOVERY

2 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 (Disciplinary Action by the Oregon Board of Nursing)

8 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) of the
9 Code on the grounds of unprofessional conduct, in that she was disciplined by the Oregon Board
10 of Nursing ("Oregon Board"), as follows:

11 9. On or about April 14, 2005, the Oregon Board entered a final order approving a
12 "Stipulation for Reprimand with Conditions of Registered Nurse License" ("Stipulation") dated
13 April 12, 2005 in the disciplinary action entitled *In the Matter of Virginia "Sammye" Johnson,*
14 *License No. 096000714RN.*

15 10. In the Stipulation, the Oregon Board found and Respondent admitted, that while
16 working at the Oregon State Penitentiary as a staff nurse Respondent had made medication
17 administration errors, including administering the wrong pain medication to a patient and failing
18 to properly follow a doctor's medication order, and then compounded her errors by trying to
19 cover them up.

20 11. In the Stipulation, the Oregon Board concluded Respondent had violated a number of
21 Oregon nursing statutes, including engaging in conduct derogatory to the standards of nursing,
22 failing to act to preserve or promote a client's safety, failing to implement a plan of care,
23 incomplete recordkeeping, and falsifying patient records.

24 12. As a result, the Oregon Board imposed disciplinary action upon Respondent. The
25 Stipulation reprimanded Respondent and placed conditions on her license, including requiring
26 Respondent to complete a formal course of study and an independent research paper on medical
27 or nursing ethics.

28 13. Respondent satisfied the conditions of her reprimand on April 14, 2006.

1 14. Under Section 2761 subdivision (a)(4) of the Code the Oregon Board's disciplinary
2 action against Respondent in April 2005 is grounds for the California Board to take disciplinary
3 action.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

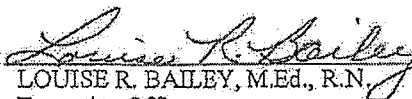
7 1.1. Revoking or suspending, Registered Nurse License Number 541329, issued to
8 Virginia L. Johnson aka Virginia Sammye Johnson;

9 1.2. Ordering Virginia L. Johnson aka Virginia Sammye Johnson to pay the Board of
10 Registered Nursing the reasonable costs of the investigation and enforcement of this case,

11 pursuant to Business and Professions Code Section 1253; and;

12 1.3. Taking such other and further action as deemed necessary and proper.

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14 DATED: March 9, 2011


LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit B
Letter of Public Reproval in Case No. 2011-759



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF REGISTERED NURSING
PO Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 F (916) 574-8637 | www.rn.ca.gov
Louise R. Bailey, MEd, RN, Executive Officer



June 22, 2011

Virginia L. Johnson
6260 Telegraph Road, #1902
Ventura, CA 93003

Re: **LETTER OF PUBLIC REPROVAL**
In the Matter of the Accusation Against: **VIRGINIA L. JOHNSON, aka VIRGINIA SAMMYE JOHNSON**
Registered Nurse License No. 541329

Dear Ms. Johnson:

On March 9, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License.

The Accusation alleged unprofessional conduct under California Business and Professions Code section 2761, subdivision (a)(4), because you were disciplined by the Oregon Board of Nursing in 2005. By your own admission, when working as a staff nurse at the Oregon State Penitentiary in 2004, you made medication administration errors, including administering the wrong pain medication to a patient and failing to properly follow a doctor's medication order, and then compounded your errors by trying to cover them up. For this conduct you were formally reprimanded by the Oregon Board in 2005.

Taking into consideration the following mitigating circumstances in this case that supports the determination that you are safe to practice registered nursing, the Board has decided that the charges against you warrant a public reproof. You have been licensed to practice nursing in California since 1998. You have had no prior disciplinary action and no prior complaints against your California nursing license before the incident in Oregon in 2004. Since then, there have been no further complaints or further causes for discipline. By 2006, you had satisfied the condition of the Oregon Board's disciplinary action, including completing coursework on medical and nursing ethics. You have also accepted responsibility for this incident. You have received positive work performance evaluations since then, and nursing colleagues who have worked with you have testified to your good character and work performance.

Accordingly, in resolution of this matter under the authority provided under Business and


Virginia Johnson

RN No. 541329

June 22, 2011

Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs
issues this letter of public reproof.

Sincerely,

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs